

## REMARKS

Reconsideration of the above-identified application is respectfully requested.

Claims 1–7 were rejected as unpatentable over Ku et al. With respect to claim 1, the Examiner relies on FIG. 1E and FIG. 1F, which relate to prior art, and on FIG. 3A and FIG. 5A, which relate to the invention disclosed by Ku et al. This jumping around is a piecemeal selection of components as needed for the rejection. Obviously, there is no basis other than claim 1 for the selection of components.

The prior art disclosed in FIG. 1F of the Ku et al. patent is simply an exclusive-NOR gate followed by a counter. There is no second counter and no comparison of the count in the second counter with a first threshold or a second threshold disclosed or suggested.

The “single phase reference matcher” disclosed in FIG. 3A includes convoluter 37, which is disclosed as coupled to A/D converter 25 (FIG. 2A); column 7, line 11ff. The convoluter is disclosed as being implemented as illustrated in FIG. 5A; i.e. an XOR circuit followed by a counter. The output of the counter goes to threshold detector 38 (FIG. 3A) or threshold detector 48 (FIG. 5A).

(1) There is no disclosure of a second counter and the Examiner has not identified any.

(2) There is no disclosure or suggestion of incrementing a second counter and the Examiner has not identified any.

(3) There is no disclosure or suggestion of decrementing a second counter and the Examiner has not identified any.

The thresholds shown in FIG. 3B of the Ku et al. patent result in an indication of correlation when the count **in the one and only counter** is not between thresholds. There is no second counter and the Examiner has not identified any.

Claim 2 recites further detail not disclosed or suggested by the Ku et al. patent.


Independent claim 3 was regarded as "essentially similar" to claim 1. The quoted term has no clear meaning. Further, this characterization has no basis in patent law and is not properly part of an examination. Each claim is supposed to be treated on its own merits. Not to do so is error.

Unlike claim 1, claim 3 includes the defined term "shadow"; a delay of 50 milliseconds or less. There is no disclosure or suggestion of this recitation in the Ku et al. patent. There is no mention of this recitation in the Examiner's analysis.

The analyses of claim 3 and claim 6 follow the pattern used for claim 1 and are defective for the same reasons.

In view of the foregoing, it is respectfully submitted that claims 1-7 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,



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